

**From:** [Ogahpah 1](#)  
**To:** [Sam Coleman/R6/USEPA/US@EPA](#)  
**Subject:** Re: Updated Tar Creek Land Consolidation Act  
**Date:** 07/12/2011 10:15 AM

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Thank you

Gun-Ney-Gay  
John

On Jul 12, 2011, at 11:05 AM, Sam Coleman <[Coleman.Sam@epamail.epa.gov](mailto:Coleman.Sam@epamail.epa.gov)> wrote:

Beach!

Enjoy.

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**From:** Ogahpah 1 [[jberrey@ogahpah.com](mailto:jberrey@ogahpah.com)]  
**Sent:** 07/12/2011 10:04 AM AST  
**To:** "Osborn, Mark" <[OsboJM@Integris-Health.com](mailto:OsboJM@Integris-Health.com)>  
**Cc:** Stephen Ward <[sward@cwlaw.com](mailto:sward@cwlaw.com)>; "Jackson, Ryan (Inhofe)" <[Ryan\\_Jackson@inhofe.senate.gov](mailto:Ryan_Jackson@inhofe.senate.gov)>; James Costello; Miles Tolbert <[miles.tolbert@crowedunlevy.com](mailto:miles.tolbert@crowedunlevy.com)>; Sam Coleman; "John L. Williams" <[JWilliams@cwlaw.com](mailto:JWilliams@cwlaw.com)>; (b) (6)  
**Subject:** Re: Updated Tar Creek Land Consolidation Act

Let's meet at Redoak when you return. I'm on the beach right now.

Gun-Ney-Gay  
John

On Jul 12, 2011, at 10:03 AM, "Osborn, Mark" <[OsboJM@Integris-Health.com](mailto:OsboJM@Integris-Health.com)> wrote:

John,

I agree it is a lot easier to conceptualize with the map. Particularly if you do it over a really nice 24 oz., dry aged, prime bone-in Tribal-Cut Rib Eye with the Maitre d' Butter and a side of Garlic Creamed Spinach with a couple of bottles of Cabernet at the best restaurant in the four state area. I guess we should probably invite the attorneys and everyone else too. Just an idea... Failing that, let's have a phone conference although I am not nearly as clear headed on the phone as I am at a nice dinner.

I will be on vacation but available by phone all of next week or we can meet in person the week following if it is convenient for you. I just need to get this done by the end of July so I can get the Trust's approval and we can get this thing on the road.

Mark

PS I do believe that what we have produced is beneficial to all and will work

for all the parties

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**From:** Ogahpah 1 [mailto:jberrey@ogahpah.com]  
**Sent:** Monday, July 11, 2011 8:57 PM  
**To:** Osborn, Mark  
**Cc:** Stephen Ward; Jackson, Ryan (Inhofe); James Costello; Miles Tolbert;  
[Coleman.Sam@epamail.epa.gov](mailto:Coleman.Sam@epamail.epa.gov); John L. Williams;  
(b) (6)  
**Subject:** Re: Updated Tar Creek Land Consolidation Act

Mark,  
I would have to sit down and discuss this with a map. I just hope we can get something that is beneficial and works for us all.

Gun-Ney-Gay  
John

On Jul 11, 2011, at 8:34 PM, "Osborn, Mark"  
<[OsboJM@Integris-Health.com](mailto:OsboJM@Integris-Health.com)> wrote:

John,

I hope all is well. Let me work through your issues one at a time. I want to make sure I have it right so anyone else, and in particular the attorneys, feel free to comment.

Although people may refer to several different definitions of the "Superfund Site" for our purposes the definition is contained in the legislation (Sec.3.(8)). The covered area (or IC area of map) is the area of land that contains the majority of the Trust property and known subsidence risk. It is the area that will have restrictions placed on development in exchange for the conveyance of the Trust's properties to the Tribe to be placed into trust by the DOI (Sec.4.(b)). It is approximately six square miles. Governmental functions at the former Picher school and fire station are exempted from restriction as long as "such activities do not involve the routine presence of persons under the age of 18 years"(Sec.4.(e)(6)).

Sec.5., on the other hand, refers to the conveyance of restricted Indian lands for the purposes of the consolidation of fractional interests in land and chat and does not involve LICRAT properties. We could limit this to the "Covered Area" if you wish but, by my understanding, it would significantly limit the scope and effectiveness of the remedy. I only wished to clarify that the referenced land should be consistent throughout Sec.5., i.e., either "Superfund Site" or "Covered Land".

Let me know what you think,

Mark

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**From:** Ogahpah 1 [mailto:jberrey@ogahpah.com]  
**Sent:** Sunday, July 10, 2011 5:14 PM  
**To:** Osborn, Mark  
**Cc:** Stephen Ward; Jackson, Ryan (Inhofe); James Costello;  
Miles Tolbert; [Coleman.Sam@epamail.epa.gov](mailto:Coleman.Sam@epamail.epa.gov); John L.  
Williams; (b) (6)  
**Subject:** Re: Updated Tar Creek Land Consolidation Act

Mark,  
Superfund site has many different definitions, also there is probably more land outside of the covered area than in it when you use "superfund site". The Pitcher School is in the "superfund site" but not part of this bill.

Gun-Ney-Gay  
John

On Jul 10, 2011, at 5:14 PM, "Osborn, Mark"  
<[OsboJM@Integris-Health.com](mailto:OsboJM@Integris-Health.com)> wrote:

Steve, I appreciate the work. I am still dissatisfied with Sec.2. and I think my version more clearly defines what we are attempting to do. My version was included in my list of questions which you so graciously answered. I would make the changes but my word processing skills are suspect. Remember, I still have to present this to the Trust members for their approval so it needs to be simple, clear and straightforward. It will be impossible for me to stand before them and say "This is confusing and doesn't really say what I think we are agreeing to but I want you to approve it". We also need to clarify the citation of the appropriate laws in Sec.2. I think Miles was going to verify these. Finally, Steve, will you look at Sec.5.(a).? I think that sentence should refer to the Superfund Site instead of the Covered Area.

Thanks,

Mark

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**From:** Stephen Ward [mailto:[sward@cwlaw.com](mailto:sward@cwlaw.com)]

**Sent:** Friday, July 08, 2011 5:49 PM  
**To:** Jackson, Ryan (Inhofe); James Costello;  
Miles Tolbert; Ogahpah 1; Ogahpah 1;  
[Coleman.Sam@epamail.epa.gov](mailto:Coleman.Sam@epamail.epa.gov); Osborn, Mark;

John L. Williams; (b) (6)

**Subject:** Updated Tar Creek Land Consolidation Act

Ryan et al.:

As a follow up to our call yesterday, I am attaching an updated redline of the Tar Creek Remediation and Economic Development Act. This draft incorporates some changes to Section 7(d) that Jim Costello sent to me this morning. I suggest that we all touch base next week to see if there are any final changes. Based on the call yesterday, I had the impression that this group has reached consensus on the draft.

The Quapaw Tribe's team appreciates very much the effort and time that has been put into this draft legislation by all parties. Have a good weekend.

Stephen Ward

Attorney at Law

[<image001.png>](#)

CONNER & WINTERS, LLP

Attorneys & Counselors at Law

4000 One Williams Center

Tulsa, OK 74172-0148

P 918.586.8978

F 918.586.8698

[SWard@cwlaw.com](mailto:SWard@cwlaw.com)

[www.cwlaw.com](http://www.cwlaw.com)

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